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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,290	05/04/2001	Kuo-Chou Tseng	ACR0029-US	7678

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EXAMINER

COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/848,290

Applicant(s)

TSENG, KUO-CHOU

Examiner

Emmanuel Coffy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on 4 May, 2001. Claims 1-17 are pending. Claims 1-17 are directed to an apparatus, and method for a "Method and Apparatus of Gateway Aggregate."

Oath/Declaration

2. The oath is objected to as being informal. It lacks authentication by a diplomatic or consular officer of the United States; 37 CFR 1.66(a). This informality can be overcome either by forwarding the original oath to the appropriate officer for authentication or by filing either a declaration under 37 CFR 1.68, or a new properly authenticated oath under 37 CFR 1.66. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. If, however, authentication of the original oath is desired, applicant should request return of the oath for this purpose. Such request must be accompanied by an order for a copy of the oath to be retained in the file until the properly authenticated oath is returned. After the oath has been authenticated, it should be returned promptly to the Patent and Trademark Office. See MPEP §§ 602.01 and 602.02.

Specification

3. The Abstract of the disclosure is objected to because it begins with language that can be implied. Correction is required. See MPEP § 608.01 (b).

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes etc..." In this case the language: "The objective of the present invention is to provide" can be implied.

Claim Objections

4. Claims 9, 11, and 17 are objected to because of the following minor informalities:

In claim 9 at lines 3 and 4, claim 11 at line 1 and claim 17 at lines 4 and 5 the words: "comprising providing" used adjacent to each other makes for an awkward sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 5 and 6 are rejected.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5 and 6 are rejected under 35 U.S.C. §112 ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention due to ambiguous language from direct translation. A reasonable artisan skilled in the art could not comprehend the claims as written. Claim 5 recites: "...when said message is connection-oriented."

And claim 6 recites: "...when said message is connectionless." Microsoft dictionary defines connection-oriented as a characteristic of a method of data transmission that requires a direct connection between two nodes on one or more networks whereas connectionless a method that does not require a direct connection. A message is unit of information transmitted electronically from one device to another; hence a message cannot by definition be connection-oriented or connectionless. It is therefore, not clear what the boundary of the claim is. Hence, the scope of the claim is unascertainable.

However, in order to expedite a more complete examination the Examiner asserts that this invention is understood as: "...when said channel is connection-oriented." And "...when said channel is connectionless."

Claim Rejections - 35 USC § 102

6. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-9 directed to a system are rejected under 35 USC 102(e) as being anticipated by Brownrigg et al. (US 6,249,516).

Claim 1:

A combination of gateways using wireless application protocol (WAP) for mediating between a mobile device and network resources, comprising: a plurality of gateways connecting to said network and having access to said network resources; and (See col. 5, lines 19-22; lines 50-54)

a computer apparatus connecting to said gateways in parallel for receiving a message from said mobile device; (See col. 5, lines 40-43)

for forwarding said message for further processing to one of said gateways that is selected according to a predetermined rule; for receiving the response of said selected gateway to said message; and (See col. 5, lines 44-49)

for forwarding said response to said mobile device (See col. 5, lines 44-49)

Claim 3:

Claim 3 recites the combination of gateways according to claim 1, wherein said network resources reside in a server. (See col. 7, lines 64-66).

Claim 4:

The combination of gateways according to claim 1, wherein said computer apparatus connects to each of said gateways through a plurality of ports respectively. (See col. 13, lines 6-10).

Claim 5:

Claim 5 recites the combination of gateways according to claim 1, wherein said computer apparatus dynamically creates a full-duplex channel linking said mobile device and said selected gateway when said message is connection-oriented. (See col. 5, lines 50-54 and col. 18, lines 37-41).

Claim 6:

Claim 6 recites the combination of gateways according to claim 1, wherein said computer apparatus creates a half-duplex channel linking said mobile device and said selected gateway when said message is connectionless. (See col. 5, lines 50-54 and col. 17, lines 22-24).

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Claim 7:

Claim 7 recites combination of gateways according to claim 1, wherein said rule is based on a comparison between the service loadings of each of said gateways. (See col. 9, lines 6-10).

Claim 8

Claim 8 recites the combination of gateways according to claim 1, wherein said rule is to select for said message the least loaded one of said gateways. (See col. 6, lines 13-15 and col. 9, lines 12-16).

Claim 9

This claim recites the combination of gateways according to claim 1, wherein said gateways are preferably low-priced personal computers. (See col. 8, lines 19-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over

Brownrigg et al. ('516) in view of Lee et al. (US 6,336,137.)

Claim 2:

Claim 2 recites the combination of gateways according to claim 1, wherein the network utilizes hypertext transfer protocol (HTTP).

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Brownrigg does not suggest utilizing hypertext transfer protocol (HTTP). However Lee does teach such limitation exclusively. (See col. 3, lines 12-15).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the wireless network gateway as taught by Brownrigg ('516) with hypertext transfer protocol (HTTP) disclosed by Lee ('137).

This combination is desirable in that it provides for compatibility and interoperability with existing web servers and application servers. Therefore, claim 2 is rejected.

Claims 10-20

These claims do not teach or define any significantly new limitation above and beyond claims 1-9 to warrant particular treatment, and are therefore further rejected for similar reasons. (See 112 rejection above.)

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Vasell et al. (U.S. 6,496,575) teaches "Application and Communication Platform For Connectivity Based Services."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

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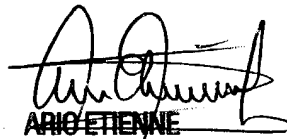
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

EC

June 28, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100